## APPENDIX A

The provisions of the United States Constitution which are involved (in relevant part) are as follows:

*Amendment I*: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

*Amendment XIV*: . . . nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

*Amendment XV*: Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The provisions of the Virginia Constitution which are involved (in relevant part) are as follows:

*Section 18. Qualifications of voters.*—Every citizen of the United States, twenty-one years of age, who has been a resident of the State one year, of the county, city, or town, six months, and of the precinct in which he offers to vote, thirty days, next preceding the election in which he offers to vote, has been registered, and has paid his State poll taxes, as hereinafter required, shall be entitled to vote for members of the General Assembly and all officers elective by the people; * * *

*Section 20. Who may register.*—Every citizen of the United States, having the qualifications of age and residence required in section eighteen, shall be entitled to register, provided:

First. That he has personally paid to the proper officer all State poll taxes legally assessed or assessable against him for the three years next preceding that in which he offers to register; or, if he came of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; * * *

*Section 21. Conditions for voting.*—A person registered under the general registration of voters during the years nineteen hundred and two and nineteen hundred and three, or under the last section, shall have the right to vote for all officers elective by the people, subject to the following conditions:

That unless exempted by section twenty-two, he shall, as a prerequisite to the right to vote, personally pay, at least six months prior to the election, all State poll taxes assessed or assessable against him, under the Constitution, during the three years next preceding that in which he offers to vote. * * *

*Section 22. Persons exempt from payment of poll tax as condition of right to vote.*—No person, nor the wife or widow of such person, who, during the late war between the States, served in the army or navy of the United States, or of the Confederate States, or of any State of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the State poll tax assessed against anyone shall not be enforced by legal process until the same has become three years past due.

*Section 38. Duties of treasurers, Clerks of circuit and corporation courts and sheriffs in regard to making, filing, delivering and posting list of paid poll taxes; how corrected.*—The treasurer of each county and city shall, at least five months before each regular election, file with the

clerk of the circuit court of his county, or of the corporation court of his city, a list of all persons in his county or city, who have paid not later than six months prior to such election, the State poll taxes required by this Constitution during the three years next preceding that in which such election is held; which list shall be arranged alphabetically, by magisterial districts in the counties, and in such manner as the General Assembly may direct in the cities, shall state the white and colored person separately, and shall be verified by the oath of the treasurer. The Clerk, within ten days from the receipt of the list, shall make and certify a sufficient number of copies thereof, and shall deliver one copy for each voting place in his county or city, to the sheriff of the county or sergeant of the city, whose duty it shall be to post one copy, without delay, at each of the voting places, and, within ten days from the receipt thereof, to make return on oath to the clerk, as to the places where and dates at which said copies were respectively posted, which return the clerk shall record in a book kept in his office for the purpose; and he shall keep in his office, for public inspection, for at least sixty days after receiving the list, not less than ten certified copies thereof, and also cause the list to be published in such other manner as may be prescribed by law. The original list returned by the treasurer shall be filed and preserved by the clerk among the public records of his office for at least five years after receiving the same.

Within thirty days after the list has been so posted, any person who shall have paid his capitation tax, but whose name is omitted from the certified list, may after five days' written notice to the court of his city, or to the judge thereof in vacation, to have the same corrected and his name entered thereon, which application the court or judge shall promptly hear and decide.

The clerk shall deliver, or cause to be delivered, with the poll books, at a reasonable time before every election, to one of the judges of election of each precinct of his

county or city, a like certified copy of the list, which shall be conclusive evidence of the facts therein stated for the purpose of voting. The clerk shall also, within sixty days after the filing of the list by the treasurer, forward a certified copy thereof, with such corrections as may have been made by order of the court or judge, to the officer designated by law, who shall charge the amount of the poll taxes stated therein to such treasurer, unless previously accounted for.

Further evidence of the prepayment of the capitation taxes required by this Constitution, as a prerequisite to the right to register and vote, may be prescribed by law.

*Section 173. State, county and municipal capitation taxes.*—The General Assembly shall levy a State capitation tax of, and not exceeding one dollar and fifty cents per annum on every resident of the State not less than twenty-one years of age, except those pensioned by this State for military services; one dollar of which shall be applied exclusively in aid of the public free schools, and the residue shall be returned and paid by the State into the treasury of the county or city in which it was collected, to be appropriated by the proper authorities to such county or city purposes as they shall respectfully determine. Such State capitation tax shall not be a lien upon, nor collected by legal process from, the personal property which may be exempt from levy or distress under the poor debtor's law. The General Assembly may authorize the board of supervisors of any county, or the council of any city or town, to levy an additional capitation tax not exceeding one dollar per annum on every such resident within its limits, to be applied to city, town or county purposes.

The provisions of Titles 24 and 58 of the Virginia statutes (1950 Code, as amended) which are involved (in relevant part) are as follows:

*Section 24-17. Persons entitled to vote at all general elections.*—Every citizen of the United States twenty-one

years of age, who has been a resident of the State one year, of the county, city or town, six months, and of the precinct in which he offers to vote thirty days next preceding the general election, in which he offers to vote, has been duly registered under the provisions of Section 24-67, and who, at least six months prior to such election in which he offers to vote, has personally paid to the proper officer all State poll taxes assessed or assessable against him for the three years next preceding the year in which such election is held, and is otherwise qualified, under the Constitution and laws of this State, shall be entitled to vote for members of the General Assembly and all officers elective by the people. * * *

*Section 24-22. Qualifications of voters at special elections.*—The qualifications of voters at any special election shall be such as are hereinbefore prescribed for voters at general elections, but at any such special election, held before the second Tuesday in June in any year, any person shall be qualified to vote who was so qualified at the last preceding regular November election, or who is otherwise qualified to vote, and has personally paid, at least six months prior to the second Tuesday in June of that year, all State poll taxes assessed or assessable against him during the three years next preceding that in which such special election is held, and at any such special election, held on or after the second Tuesday in June in any year, any person shall be qualified to vote who is or was qualified to vote at the regular election held on the Tuesday after the First Monday in November of that year. * * *

*Section 24-67. Who to be registered for all elections.*—(a) Each registrar shall register pursuant to the provisions of this paragraph every citizen of the United States, of his election district, who shall apply in person to be registered at the time and in the manner required by law, who at the time of the next general election, shall have the qualifications of age and residence required in Section 18 of the Constitution of Virginia, and who has paid to the proper officer

all State poll taxes assessed or assessable against him for the three years next preceding the year in which such election is held, or if he comes of age at such time that no poll taxes shall be assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents in satisfaction of the year's poll tax assessable against him. * * *

*Section 24-120. Treasurer to file lists with clerk.*—The treasurer of each county and city shall, at least five months before the second Tuesday in June in each year in which a regular June election is to be held in such county or city, and at least one hundred and fifty-eight days before each regular election in November, file with the clerk of the circuit court of his county or the corporation court of his city (1) a list of all persons in his county or city who have filed certificates of residence under section 24-172, and (2) a separate list of all persons in his county or city who have paid not later than six months prior to each of such dates the State poll taxes required by the Constitution of this State during three years next preceding that in which such election is to be held, which lists shall state the white and colored persons separately, if known, and shall be verified by the oath of the treasurer. * * *

*Section 24-129. When unlawful to pay or offer to pay poll tax of another.*—It shall be unlawful for any person to pay or to offer to pay the State poll tax of any other person under such circumstances as to show or indicate a purpose or intent to have the name of such other person placed upon the treasurer's list provided for by section thirty-eight of the Constitution of Virginia, and it shall be the duty of any city or county treasurer to whom any such payment is made to report forthwith the fact of such payment, and the circumstances relating thereto, to the Commonwealth's attorney of the city or county in which such payment is made; provided, however, that nothing in this section shall be construed as making it unlawful for any person to pay under

such circumstances the poll tax of a member of his or her household or of any person relating to him or her by consanguinity or affinity as father or mother, son or daughter, brother or sister, grandfather or grandmother, or grandson or granddaughter, and no such payment shall be deemed a violation of this section.

Any person who shall pay the poll tax of any person in violation of the provisions of this section shall be guilty of a misdemeanor.

*Section 24-129.1. Personal payment of poll tax to be accepted although previously paid by another.*—Whenever any person offers to personally pay his State poll tax which has been assessed or is assessable against him for any year, the treasurer of his county or city to whom the offer of payment is made shall accept such payment and certify the same as required by § 24-120, although such poll tax has been previously paid by another person.

*Section 58-49. Levy of tax; application.*—There is hereby levied a State capitation tax of one dollar and fifty cents per annum on every resident of the State not less than twenty-one years of age, except those pensioned by this State for military services. One dollar of such tax shall be applied exclusively in aid of the public free schools, in proportion to the school population, and the residue shall be returned and paid by the State into the treasury of the county or city in which it was collected, to be appropriated by the proper county or city authorities to such county or city purposes as they shall respectively determine.

The provisions of the Norfolk City Charter which are involved (in relevant part) are as follows:

*Section 30. Petition.* Any proposed ordinance or ordinances, including ordinances for the repeal or amendment of an existing ordinance, may be submitted to the council by petition signed by qualified voters equal in number to ten percent of the number of electors who cast their votes at the last preceding regular municipal election for the

election of councilmen. Such petition shall contain the proposed ordinance in full, and shall have appended thereto or written thereon the names and addresses of at least five qualified voters, who shall be officially regarded as filing the petition, and who shall constitute a committee of the petitioners for the purposes hereinafter stated.

*Section 35. Petition for referendum.* No ordinance passed by the council, unless it be an emergency measure, as hereinbefore defined, or the annual appropriation ordinance, shall go into effect until the expiration of thirty days after its final passage. If at any time within said thirty days a petition, signed by qualified voters equal in number to twenty-five percent of the number of electors who cast their votes at the last preceding regular municipal election for the election of councilmen, but in no case signed by less than four thousand qualified voters of the city, be filed with the city clerk, requesting that any such ordinance be repealed, or amended, as stated in the petition, such ordinance shall not become operative until the steps indicated herein shall have been taken or the time allowed for taking such steps shall have elapsed without action. Such petition shall state therein the names and addresses of at least five electors, who shall constitute a committee to represent the petitioners, who shall be officially regarded as filing the petition, and shall constitute a committee of the petitioners for the purposes hereinafter stated. Referendum petitions need not contain the text of the ordinance or ordinances, the amendment or repeal of which is sought, but shall contain the proposed amendment, if an amendment is demanded. (Acts 1918, ch. 34, p. 48; Acts 1956, ch. 339, p. 395.)

*Section 43. Petitions.* All petitions for the nomination of councilmen and all petitions in connection with the initiative, referendum or recall shall be signed in ink or indelible pencil by the elector in person and not by agent or attorney. Each person signing any such petition shall place opposite his name the date of his signature, and

his place of residence by street and number. The signatures to any such petition need not all be appended to one paper, but to each such paper (except in the case of copies of recall petitions, which may not be circulated), there shall be attached an affidavit by the circulator thereof stating that each signature appended thereto is the genuine signature of the person whose name it purports to be and that it was made in the presence of the affiant on the date indicated. All copies of any such petition shall be treated as originals. No such petition shall be deemed invalid by reason of the fact that it is signed by one or more persons who are not qualified voters, but the names of such persons shall not be counted. As used in this Charter the terms "elector", "qualified elector", and "qualified voter" are synonymous.

## Appendix B

### ESTIMATED NUMBER OF VOTERS IN COUNTIES AND CITIES IN VIRGINIA APRIL, 1962

EXHIBIT 3

| Counties and Cities | White | Colored | Unspecified | Indians |
|---|---|---|---|---|
| Counties | | | | |
| Accomack, | 5,436 | 815 | *Estimated number of voters by Congressional Districts on back of sheet* | |
| Albemarle, | 4,875 | 780 | | |
| Alleghany, | 2,165 | 160 | | |
| Amelia, | 1,977 | 672 | | |
| Amherst, | 5,741 | 686 | | |
| Appomattox, | 2,575 | 262 | | |
| Arlington, | 48,806 | 1,307 | | |
| Augusta, | 8,588 | 214 | | |
| Bath, | 1,490 | 75 | | |
| Bedford, | 6,745 | 965 | | |
| Bland, | 1,939 | 17 | | |
| Botetourt, | 4,490 | 154 | | |
| Brunswick, | 3,575 | 813 | | |
| Buchanan, | 10,650 | None | | |
| Buckingham, | 1,500 | 355 | | |
| Campbell, | 5,485 | 840 | | |
| Caroline, | 1,917 | 793 | | |
| Carroll, | 6,445 | 11 | | |
| Charles City, | 470 | 703 | | 71 |
| Charlotte, | 4,241 | 524 | | |
| Chesterfield, | 18,635 | 1,962 | | |
| Clarke, | 2,722 | 221 | | |
| Craig, | 1,017 | None | | |
| Culpeper, | 4,582 | 488 | | |
| Cumberland, | 1,540 | 300 | | |
| Dickenson, | 7,528 | None | | |
| Dinwiddie, | 3,706 | 1,013 | | |
| Essex, | 950 | 315 | | |
| Fairfax, | 59,772 | 1,036 | | |

| Counties and Cities | White | Colored | Unspecified | Indians |
|---|---|---|---|---|
| Counties | | | | |
| Fauquier, | 4,340 | 500 | | |
| Floyd, | 4,567 | 108 | | |
| Fluvanna, | 1,260 | 186 | | |
| Franklin, | 4,399 | 370 | | |
| Frederick, | 5,745 | 50 | | |
| Giles, | 4,963 | 30 | | |
| Gloucester, | 3,226 | 707 | | |
| Goochland, | 2,062 | 776 | | |
| Grayson, | 6,542 | 119 | | |
| Greene, | 1,228 | 92 | | |
| Greensville, | 3,290 | 1,034 | | |
| Halifax, | 5,270 | 850 | | |
| Hanover, | 5,951 | 811 | | |
| Henrico, | 41,294 | 1,015 | | |
| Henry, | 6,545 | 401 | | |
| Highland, | 1,005 | 8 | | |
| Isle of Wight, | 3,644 | 1,146 | | |
| [Illegible] | [Illegible] | | | |
| James City, | 2,533 | 810 | | |
| King George, | 1,361 | 263 | | |
| King and Queen, | 860 | 410 | | |
| King William, | 1,135 | 345 | | |
| Lancaster, | | | 1,116 | |
| Lee, | 10,946 | 60 | | |
| Loudoun, | 7,963 | 401 | | |
| Louisa, | 2,135 | 432 | | |
| Lunenburg, | 2,650 | 340 | | |
| Madison, | 2,163 | 240 | | |
| Mathews, | 1,385 | 210 | | |
| Mecklenburg, | 5,700 | 408 | | |
| Middlesex, | 1,550 | 392 | | |
| Montgomery, | 6,465 | 325 | | |
| Nansemond, | 4,063 | 2,090 | | |
| Nelson, | 3,665 | 467 | | |
| New Kent, | 958 | 445 | | |
| Norfolk, | 11,790 | 1,663 | | |
| Northampton, | 2,150 | 265 | | |

| Counties and Cities | White | Colored | Unspecified | Indians | |
|---|---|---|---|---|---|
| Counties | | | | | |
| Northumberland, | 3,101 | 835 | | | |
| Nottoway, | 3,060 | 635 | | | |
| Orange, | 2,695 | 265 | | | |
| Page, | 6,465 | 80 | | | |
| Patrick, | 4,275 | 122 | | | |
| Pittsylvania, | 8,084 | 640 | | | |
| Powhatan, | 1,471 | 487 | | | |
| Prince Edward, | 2,765 | 665 | | | |
| Prince George, | 2,139 | 510 | | | |
| Princess Anne, | 14,649 | 1,336 | | | |
| Prince William, | 5,479 | 519 | | | |
| Pulaski, | 5,695 | 256 | | | |
| Rappahannock, | 1,296 | 190 | | | |
| Richmond, | 1,390 | 180 | | | |
| Roanoke, | 20,093 | 592 | | | |
| Rockbridge, | 5,030 | 430 | | | |
| Rockingham, | 8,291 | 86 | | | |
| Russell, | 7,559 | 47 | | | |
| Scott, | 8,711 | 77 | | | |
| Shenandoah, | 6,098 | 96 | | | |
| Smyth, | 7,892 | 86 | | | |
| Southampton, | 4,036 | 677 | | | |
| Spotsylvania, | 4,250 | 430 | | | |
| Stafford, | 3,320 | 440 | | | |
| Surry, | 1,045 | 445 | | | |
| Sussex, | 2,285 | 920 | | | |
| Tazewell, | 12,280 | 477 | | | |
| Warren, | 3,722 | 132 | | | |
| Washington, | 7,741 | 178 | | | |
| Westmoreland, | 3,633 | 407 | | | |
| Wise, | 9,325 | 115 | | | |
| Wythe, | 11,880 | 287 | | | |
| York, | 2,642 | 2,173 | | | |
| Total | 596,762 | 47,865 | 1,116 | 71 | Total 645,814 |

| Counties and Cities | White | Colored | Unspecified | Indians |
|---|---|---|---|---|
| Cities | | | | |
| Alexandria, | 24,507 | 1,495 | | |
| Bristol, | 3,719 | 125 | | |
| Buena Vista, | 1,047 | 26 | | |
| Charlottesville, | 10,100 | 1,406 | | |
| Clifton Forge, | 2,300 | 215 | | |
| Colonial Heights, | 2,748 | 0 | | |
| Covington, | 2,775 | 465 | | |
| Danville, | 11,230 | 2,015 | | |
| Fairfax, | 3,613 | 46 | | |
| Falls Church, | 3,704 | 38 | | |
| Franklin, | 1,518 | 326 | | |
| Fredericksburg, | 3,813 | 906 | | |
| Galax, | 1,495 | 15 | | |
| Hampton, | 16,737 | 3,515 | | |
| Harrisonburg, | 3,400 | 185 | | |
| Hopewell, | 4,400 | 395 | | |
| Lynchburg, | 13,576 | 2,042 | | |
| Martinsville, | 3,289 | 406 | | |
| Newport News, | 19,409 | 6,000 | | |
| Norfolk, | 68,828 | 11,945 | | |
| Norton, | 655 | 35 | | |
| Petersburg, | 6,015 | 2,643 | | |
| Portsmouth, | 17,181 | 5,599 | | |
| Radford, | 4,260 | 248 | | |
| Richmond, | 52,903 | 17,355 | | |
| Roanoke, | 31,939 | 2,860 | | |
| South Boston, | 1,450 | 260 | | |
| South Norfolk, | 4,135 | 879 | | |
| Staunton, | 5,463 | 402 | | |
| Suffolk, | 2,854 | 600 | | |
| Virginia Beach, | 3,673 | 102 | | |
| Waynesboro, | 5,244 | 175 | | |
| Williamsburg, | 1,600 | 273 | | |
| Winchester, | 3,773 | 91 | | |
| Total | 343,353 | 63,088 | Total Cities | 406,441 |
| Aggregate | 940,115 | 110,953 | 1,116 | 71 |
| | | Grand Total | 1,052,255 | |